

1 P-R-O-C-E-E-D-I-N-G-S

2 2:26 p.m.

3 CHAIRPERSON ANDERSON: And our final
4 case for the afternoon is Case Number 22-PRO-
5 00083, Cambria Suites Washington D.C. Market,
6 License Number 94523.

7 Mr. Orellana, can you please elevate
8 the rights of the parties in this case, please?

9 MR. ORELLANA: Aaron Caple, your
10 access has been elevated. Chris Tyner, your
11 access has been elevated. O'Brien, your access
12 has been elevated. Vanessa Pleitez, your access
13 has been elevated.

14 That is all, Chairman.

15 CHAIRPERSON ANDERSON: Okay. Who is
16 a protestant? Do we have someone from -- okay.
17 He's there.

18 I'm sorry. Do we have someone from
19 the Blagden I guess it's a -- from -- do we
20 have a protestant here from -- from Banca? Is
21 there a representative from Banca here?

22 I guess from what I'm hearing, there's
23 quiet, so there is no representative from Banca?
24 Mr. Orellana?

25 MR. ORELLANA: There is no one in the

1 waiting area.

2 CHAIRPERSON ANDERSON: There's no one
3 in the waiting area.

4 This is Case Number 22-PRO-00083.
5 This is a protest hearing that was scheduled for
6 1:30. So let me -- let me have the parties
7 identify themselves for the record. Let's start
8 with Mr. O'Brien. Mr. O'Brien, can you please
9 identify yourself for the record, please?

10 MR. O'BRIEN: Yes. Stephen O'Brien
11 for the Licensee, S-T-E-P-H-E-N O apostrophe
12 capital B-R-I-E-N. And I'm accompanied by two
13 representatives of the Licensee.

14 CHAIRPERSON ANDERSON: All right. Who
15 are the representatives, Mr. O'Brien, who are
16 here?

17 MR. O'BRIEN: Christopher Tyner, C-H-
18 R-I-S-T-O-P-H-E-R T-Y-N-E-R, and Aaron Caple, A-
19 A-R-O-N C-A-P-L-E.

20 CHAIRPERSON ANDERSON: This matter was
21 scheduled for a protest hearing for today at
22 1:30. But it's 2:29, and I do not see a
23 protestant. And I have been told that we have
24 not -- I've been -- well, I -- I have not seen a
25 protestant.

1 And I -- Mr. O'Brien, are you trying
2 to get my attention, or somewhere else?

3 MR. O'BRIEN: I was trying to get your
4 attention, Mr. Chair.

5 CHAIRPERSON ANDERSON: Yes, Mr.
6 O'Brien.

7 MR. O'BRIEN: I would point out two
8 things. Number one, the protestant did not file
9 a PIP by last Wednesday's deadline. Number two,
10 I am told -- I do not have personal knowledge --
11 that the same protestant recently pulled a no
12 show for the -- a protest hearing before the
13 Board.

14 So when you take those two factors
15 into account, frankly, I'm not surprised that the
16 protestant is absent.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 O'Brien.

19 Ms. Pleitez, can you identify yourself
20 for the record, please?

21 MS. PLEITEZ: Vanessa Pleitez, V-A-N-
22 E-S-S-A, last name is Pleitez, P-L-E-I-T-E-Z.

23 CHAIRPERSON ANDERSON: Ms. Pleitez,
24 you did it -- is there a case report for this
25 case?

1 MS. PLEITEZ: Yes.

2 CHAIRPERSON ANDERSON: Have you had an
3 opportunity to interview the protestant in this
4 case?

5 MS. PLEITEZ: No. I tried to contact
6 him via email, three different occasions --
7 October 24th, October 25th, and October 31st -- and
8 he has not responded as of today.

9 CHAIRPERSON ANDERSON: Who is this
10 individual that you have attempted to

11 MS. PLEITEZ: Mr. Robert Goldberg.

12 CHAIRPERSON ANDERSON: Can you spell
13 that for the record, please?

14 MS. PLEITEZ: Yes. R-O-B-E-R-T, last
15 name Goldberg, G-O-L-D-B-E-R-G.

16 CHAIRPERSON ANDERSON: Thank you. Do
17 you have a motion, Mr. O'Brien?

18 MR. O'BRIEN: Yes, sir. We move to
19 dismiss this protest for want of prosecution.

20 CHAIRPERSON ANDERSON: There is a
21 motion to -- counsel has made a motion for want
22 of prosecution based on the failure of the
23 protestant to -- to appear. And so, therefore --
24 so I'm going to -- I'm asking the Board to vote
25 to dismiss this matter based on the failure of

1 the protestant to appear.

2 I just want to also correct the
3 record. I had -- Ms. Pleitez also had testified
4 that, as the investigator in this case, that she
5 had attempted to -- that she had attempted to
6 contact the protestant on three occasions, and he
7 failed to appear.

8 And as stated by counsel, a PIP was
9 not submitted by the protestant in this
10 particular case. And a PIP is that seven days
11 prior to the hearing both parties are -- were
12 required to provide documents and witnesses to
13 the Board, all the documents and witnesses that
14 they would rely on if this matter went to a
15 protest hearing, and that was not filed.

16 So, therefore, I -- I'll vote in favor
17 of the -- let me do a roll call vote on the
18 motion. Mr. Cato?

19 MEMBER CATO: Bobby Cato. I agree.

20 CHAIRPERSON ANDERSON: Ms. Crockett?

21 MEMBER CROCKETT: Agree.

22 CHAIRPERSON ANDERSON: Ms. Hansen?

23 MEMBER HANSEN: Jeni Hansen. I agree.

24 CHAIRPERSON ANDERSON: I agree. The
25 matter passes four-zero-zero.

1 The Board will issue a Board order on
2 our motion today. Normally, when we issue an
3 order dismissing the matter, the protestant is
4 given -- the other side is given 10 days to
5 respond to the order to give us reasonable notice
6 why they failed to appear today.

7 And so we await -- so we'll wait -- so
8 the Board will issue an order dismissing the
9 protest. And what this means is that once the
10 order is issued the protestant will be given
11 10 days to respond to -- and the Board will -- if
12 a response is made, the Board will make a
13 determination on -- on what's in their response.

14 But if that's not -- if the Board
15 determines that good cause has not been shown why
16 the protestant was -- failed to prosecute this
17 matter, the Board will allow the agency to move
18 forward with the -- this is a renewal? The Board
19 would allow the agency to move on with the --
20 move forward with the process.

21 So we're not -- we're not approving
22 the renewal in this -- in this matter, but the
23 agency will -- would be empowered to move forward
24 with the renewal application. Okay?

25 MR. O'BRIEN: Yes, sir.

1 CHAIRPERSON ANDERSON: Thank you.
2 Thank you very much for being here today. Have a
3 great day. Thank you.

4 And that protest was the last matter
5 on our calendar today. And so with that, I'm
6 going to officially close the record.

7 As Chairperson of the Alcoholic
8 Beverage Control Board for the District of
9 Columbia, in accordance with D.C. Federal Code
10 Section 2575B and 2575B-14 of the Open Meetings
11 Act, I move that ABC Board hold a closed meeting
12 on November 30, 2022, for the purpose of
13 discussing and hearing reports concerning ongoing
14 or planned investigations of alleged criminal or
15 civil misconduct or violations of law or
16 regulations and seeking legal advice from our
17 legal counsel on the matters identified on the
18 Board's legal, license, and investigative agenda
19 for November 30, 2022, as published in the D.C.
20 Register on November 25th. I believe it's
21 November 25th, if November 25th is not a holiday
22 after Thanksgiving. 2022.

23 I will now take a roll call for the --
24 I will now take a roll call on the motion before
25 us that has been -- that has been seconded.

1 Mr. Cato?

2 MEMBER CATO: Bobby Cato. I agree.

3 CHAIRPERSON ANDERSON: Ms. Crockett?

4 MEMBER CROCKETT: Agree.

5 CHAIRPERSON ANDERSON: Ms. Hansen?

6 MEMBER HANSEN: Jeni Hansen. I agree.

7 CHAIRPERSON ANDERSON: And Mr.

8 Anderson. I agree.

9 As it appears that the motion has
10 passed, I hereby give notice that ABC Board will
11 hold this closed meeting pursuant to the Open
12 Meetings Act. Notice will also be posted on the
13 ABC Board Hearing Room bulletin board, placed on
14 electronic calendar, ABRA's website, and
15 published in the D.C. Register, in as timely a
16 manner as practical.

17 We are -- we are now adjourned for the
18 day. I would like to thank the members of the
19 public who participated in our hearings today.
20 And I would also like to thank our Board members
21 who participated in our hearings this afternoon.

22 So we are now adjourned. I now ask
23 all Board members to return to Executive Session
24 for further development.

25 Thank you very much, and have a great

1 afternoon.

2 (Whereupon, the proceedings in the
3 above-entitled matter went off the record at
4 2:37 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Cambria Suites

Before: DC ABRA

Date: 11-09-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

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